

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

BRYNDON FISHER et al.,)	
)	
Plaintiffs,)	
)	
v.)	Nos. 13-608C & 13-672C
)	(Senior Judge Margaret M. Sweeney)
THE UNITED STATES,)	
)	
Defendant.)	

DEFENDANT'S UNOPPOSED MOTION FOR ENLARGEMENT OF TIME

Pursuant to Rules 6(b), 6.1, and 7(b) of the Rules of the United States Court of Federal Claims, defendant, the United States, respectfully requests a 7-day enlargement of time within which to file its sur-reply in response to plaintiffs' latest filing. Pursuant to the Court's order, ECF No. 101, the United States' response is currently due on August 18, 2023. The enlargement would bring the date for filing the sur-reply to August 25, 2023. This is our first request for an enlargement of time for this purpose. Counsel for plaintiffs, Bryndon Fisher *et al.*, has indicated that plaintiffs do not oppose our request.

On February 15, 2023, the Court entered an Order denying plaintiffs' request to continue the stay in this matter, lifting the stay, ordering plaintiffs to show cause why their claims should not be dismissed, and setting a schedule for briefing on that show cause filing. ECF No. 93 at 4. Pursuant to that schedule, plaintiffs filed their response to the show cause order on March 15, 2023. ECF No. 94. We filed our brief in response on June 16, 2023. ECF No. 99. On July 21, 2023, plaintiffs filed a reply brief in which they changed their position on dismissal and presented additional arguments not presented in their previous briefing. ECF No. 100. Accordingly, on July 26, 2023, the Court ordered the United States to file a sur-reply addressing these additional arguments not presented in plaintiffs' opening brief. ECF No. 101.

Additional time is required for counsel for the Department of Justice to prepare its sur-reply brief, in coordination with counsel for the United States Department of Treasury and Federal Housing Finance Agency, as well as to complete the brief following supervisory review. As the Court noted in its order, plaintiffs had not presented these arguments in prior briefing, and additional time is required to fully address each new allegation.

Moreover, counsel for the United States is currently engaged in briefing and other case development in a number of other cases before this Court, including *Echelon Services LLC v. United States*, No. 23-31C (Fed. Cl.); *Cizek v. United States*, No. 22-571C (Fed. Cl.); *Osburn v. United States*, No. 22-1689 (Fed. Cl.); *Henrikson v. United States*, No. 21-1899 (Fed. Cl.); and *Faerber v. United States*, No. 20-509C (Fed. Cl.); and before the United States Court of Appeals for the Federal Circuit, including *FlightSafety International, Inc. v. Air Force*, No. 23-1700 (Fed. Cir.). These cases also include several other shareholder suits arising out of the conservatorships of the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac), including *Reid v. United States*, No. 14-152C (Fed. Cl.); *Wazee St. Opportunities Fund IV LP v. United States*, No. 18-1124C (Fed. Cl.); *Kelly v. United States*, No. 21-1949C (Fed. Cl.); and *Angel v. United States*, No. 23-800C (Fed. Cl.). Counsel for the United States is currently actively engaged in complex briefing in each of these shareholder cases, consuming significant time and resources.

For these reasons, the United States respectfully requests that the Court grant this motion for an enlargement of time of time of 7 days, to and including August 25, 2023, within which to file its sur-reply.

Respectfully submitted,

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